

REMARKS

The above-identified application is United States application serial number 09/816,992 filed on March 23, 2001. Claims 1-13 and 20-25 are pending in the application. Claims 21-23 and 25 are withdrawn from consideration. Claims 1-13, 20 and 24 are rejected.

Rejection of Claims Under 35 U.S.C. §102

Claims 1-10, 12, 13, 20, and 24 are rejected under 35 U.S.C. §102(e) as being anticipated by Lappenbusch et al. (U.S. Patent No. 6,297,748). Applicants have amended the Claims. The amended Claims distinguish over Lappenbusch which does not disclose the action of "receiving image data and associated position data from a client . . . that acquires the image data and the position data, the position data encoding position of the client at acquisition of the image data" as specified in independent Claims 1, 12, and 13. Lappenbusch specifically discloses "the images are obtained from server computer 38" (col. 6, line 9) and not from the client and the position data does not encode position of the client but rather relates to coordinates on the two-dimensional image display. Similar other statements in Lappenbusch further confirm that the images are not acquired by the client including "[s]erver computers 38 is connected and programmed to obtain traffic data and road images from the public highway monitoring system" (col. 3, lines 44-46), "[analog video] switch 40 receives video signals from cameras of the highway monitoring system" (col. 4, lines 10-11), and "[t]raffic information system 30 further includes a plurality of client devices 42 configured to receive sensor data and static camera images from the server computers" (col. 4, lines 49-51).

In contrast, applicants' specification makes clear that image data and location data are acquired by the client: "photographic data block 400 includes image data 402 that encodes a single photographic image *taken by the camera 100*" (paragraph [0017]) and "when a picture is taken the camera 100 captures both image data 402 and position data 404" (paragraph [0018]) whereby "the camera 100 acts as a client 200" (paragraph [0020]).

Amended Claim 6 further distinguishes over Lappenbusch which does not disclose actions including "receiving the image data and associated position data from an image

acquisition device operative as the client" and "serving said annotated image to the image acquisition device."

Amended Claim 7 further distinguishes over Lappenbusch which does not disclose actions including "acquiring image data in a web-enabled image acquisition device operative as the client" and "acquiring location information using a global positioning system (GPS) receiver coupled to the image acquisition device."

Rejection of Claims Under 35 U.S.C. §103

Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Lappenbusch et al in view of Official Notice. Applicants respectfully traverse the rejection on the basis of being allowable as dependent upon an allowable base claim.

Withdrawal of Non-elected Invention

The Examiner has withdrawn claims 21-23 and 25 from consideration as being directed to a non-elected invention (37 CFR 1.142(b) and MPEP §821.03. Applicants traverse the rejection requirement and request reinstatement of the claims on the basis of 37 CFR §1.141 which provides that a reasonable number of species may be claimed in different claims in one national application, provided the application also includes an allowable claim generic to all the claimed species. In the present case, the withdrawn claims are dependent claims based on independent claims which are allowable on the basis of the discussion herein.

The Examiner has withdrawn the claims as being "directed to an invention that is independent or distinct from the invention originally claimed" as "directed to an invention where the client is defined as a camera or photographic data obtaining system, rather than a generic client." Applicants do not claim a "generic client" but instead claim "a client" which is described in the original specification in paragraph [0015] as "an information handling system such as a personal computer, wireless telephone, Internet appliance, personal digital assistant, wireless telephone, web-enabled camera, or other device." According to Manual of Patent Examining Procedure, "a term used in the claims may be given a special meaning in the description" (MPEP §608.01(o)), "when the specification provides definitions for terms appearing in the claims . . . the specification can be used in interpreting claim

language" (MPEP §2111.01 citing *In re Vogel*, 422 F.2d 438, 441, 164 USPQ 619, 622 (CCPA 1970)). Thus, the claim term "client" specifically includes cameras and other devices that acquire images, including personal computers, cell phones, and the like which include a photographic interface. The applicants' description specifies "when a picture is taken the camera 100 captures both image data 402 and position data 404" (paragraph [0018]) where "the camera 100 acts as a client" (paragraph [0020]).

CONCLUSION

The application, including all remaining Claims 1-13 and 20-26, is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned at (949) 251-0250.

I hereby certify that this correspondence is being facsimile transmitted to the USPTO. Central Number at (571) 273-8300 on the date shown below:

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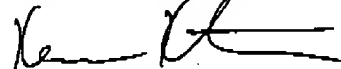
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(Printed Name of Person Signing Certificate)

February 27, 2006

(Date)

Respectfully submitted,



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